



1995 SENATE BILL 659

March 26, 1996 - Introduced by Senator ADELMAN. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 **AN ACT to renumber and amend** 110.06 (2); **to amend** 110.06 (3) (b) to (d),
2 347.48 (2) and 347.50 (1) and (4); and **to create** 110.06 (2) (a) and 347.48 (2r)
3 of the statutes; **relating to:** requiring certain school buses to be equipped with
4 safety belts, requiring the use of safety belts and child safety restraint systems
5 on certain school buses, granting rule-making authority and providing a
6 penalty.

Analysis by the Legislative Reference Bureau

Under federal law, no state or political subdivision of a state may establish a safety standard for motor vehicles or motor vehicle equipment that is not identical to the federal standard which applies to the same aspect of performance. A state or political subdivision may, however, establish a higher safety standard for motor vehicles or motor vehicle equipment procured for its own use.

Currently, federal safety standards do not require a school bus having a gross vehicle weight rating of more than 10,000 pounds to be equipped with passenger safety belts. A school district which procures school buses for its own use, however, may require and equip its buses to meet a higher safety standard than that established under the federal regulations under present law.

The bill directs the department of transportation (DOT) to promulgate and enforce a rule requiring a school bus having a gross vehicle weight rating of more than 10,000 pounds and which is manufactured on or after January 1, 1995, to be equipped with safety belts or child safety restraint systems at each designated seating position. The rule would be incorporated into any contract for the transportation of school children.

Current law does not require the use of safety belts or child safety restraint systems by pupils or children being transported by a school bus. The bill prohibits

a person from operating a school bus that is transporting pupils or children unless each pupil or child is properly restrained in a safety belt or a child safety restraint system. This prohibition applies only to a school bus having a gross vehicle weight rating of more than 10,000 pounds and which is manufactured on or after January 1, 1995. Failure to comply with this requirement may result in a forfeiture of not less than \$10 nor more than \$25 for a first violation or, for a 2nd or subsequent violation within 3 years, a forfeiture of not less than \$25 nor more than \$200.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 110.06 (2) of the statutes is renumbered 110.06 (2) (b) and amended
2 to read:

3 110.06 (2) (b) The secretary shall adopt and enforce such additional rules as
4 he or she deems necessary in the interests of safety to cover the design, construction,
5 inspection and operation of school buses. Such rules may, but need not, be uniform
6 for each type of bus designated in s. 340.01 (56) (a) and (am).

7 **SECTION 2.** 110.06 (2) (a) of the statutes is created to read:

8 110.06 (2) (a) The secretary shall adopt and enforce a rule requiring each school
9 bus that has a gross vehicle weight rating of more than 10,000 pounds and which is
10 manufactured on or after January 1, 1997, to be equipped with safety belts approved
11 by the department under s. 347.48 (2) at each designated seating position of the
12 school bus.

13 **SECTION 3.** 110.06 (3) (b) to (d) of the statutes are amended to read:

14 110.06 (3) (b) Prior to the use of a motor vehicle as a school bus, the seller shall
15 obtain a presale inspection of the vehicle by the department verifying compliance
16 with sub. (2) (a) and with the rules relating to design and, construction and operation

1 prescribed by the department under sub. (2) (b). A copy of the presale inspection
2 report shall be provided to the purchaser at the time of delivery.

3 (c) The seller of any such vehicle who fails to obtain a presale inspection prior
4 to delivery shall be liable to the purchaser for all repairs and improvements required
5 by the department to bring the vehicle into compliance with sub. (2) (a) and with the
6 rules relating to design and, construction and operation prescribed by the
7 department under sub. (2) (b) for a period of one year after the delivery.

8 (d) Notwithstanding par. (b), the purchaser may agree to obtain the presale
9 inspection provided that notice of the agreement is included in the offer to purchase
10 and is agreed to by the seller. The seller is liable for any repairs and improvements
11 necessary to comply with sub. (2) (a) and with the rules relating to design and,
12 construction and operation prescribed by the department under sub. (2) (b).

13 **SECTION 4.** 347.48 (2) of the statutes is amended to read:

14 347.48 (2) TYPE AND MANNER OF INSTALLING. All such safety belts must be of a
15 type and must be installed in a manner approved by the department. The
16 department shall establish specifications and requirements for approved types of
17 safety belts and attachments thereto. The department will accept, as approved, all
18 seat belt installations and the belt and anchor meeting the society of automotive
19 engineers' specifications.

20 **SECTION 5.** 347.48 (2r) of the statutes is created to read:

21 347.48 (2r) REQUIRED USE ON SCHOOL BUS. (a) No person may operate a school
22 bus, as defined in s. 340.01 (56) (a), that has a gross vehicle weight rating of more
23 than 10,000 pounds and that is manufactured on or after January 1, 1997, unless
24 each pupil or child is properly restrained in a safety belt approved by the department
25 under sub. (2) or in a child safety restraint system approved by the department under

1 sub. (4) (a) 1. In this subsection, "properly restrained" means fastened in a manner
2 prescribed by the manufacturer of the system which permits the system to act as a
3 body restraint.

4 (b) Evidence of compliance or failure to comply with par. (a) is admissible in any
5 civil action for personal injuries or property damage resulting from the use or
6 operation of a motor vehicle. Notwithstanding s. 895.045, with respect to injuries or
7 damages determined to have been caused by a failure to comply with par. (a), civil
8 liability may not be imposed upon the owner or operator or a lessee of a school bus.

9 **SECTION 6.** 347.50 (1) and (4) of the statutes are amended to read:

10 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or
11 s. 347.415 (1), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m), (2r) or (4) (a) or s.
12 347.489, may be required to forfeit not less than \$10 nor more than \$200.

13 (4) Any person violating s. 347.48 (2r) or (4) (a) 2. may be required to forfeit not
14 less than \$10 nor more than \$25 for the first offense. For a 2nd or subsequent
15 conviction within 3 years, a person may be required to forfeit not less than \$25 nor
16 more than \$200.

17 **SECTION 7. Effective date.**

18 (1) This act takes effect on January 1, 1997.

19 (END)